

REMARKS

Claims 1-5, 8-13, 15, 17-19 and 21-27 are pending in the present application. Claims 1-5, 8-13, 15, 17, 19 and 21-23 have been cancelled and new Claims 72-94 have been added. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of the present Application.

The Examiner has rejected Claims 1-5, 8-12, 15, 18, 19, 21 and 23-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,173,457 by Shorthouse.

Shorthouse discloses a paste composition that includes a dielectric component of substantially spherical particles having a particle size below 5 μm . The particles are preferably produced by a sol-gel technique, such as the hydrolysis of a mixture of the appropriate alkoxides to form a sol, which is redispersed in water and sprayed. The sprayed particles are then heated to densify the particles.

Claims 1-5, 8, 9, 11, 13, 15 and 17 have been cancelled. Claim 18 has been amended to incorporate the limitations of Claims 22 and 23 and Claims 19, 21 and 23 have been cancelled. Claims 24-27 depend upon Claim 18 and include all of the limitations thereof. In view of these amendments, removal of this rejection with respect to Claims 18 and 24-27 is requested.

New Claim 72 is former Claim 13 re-written in independent form and Claims 73-81 depend upon Claim 72. Therefore, it is respectfully submitted that Claims 72-81 are allowable over Shorthouse.

New Claim 82 is similar to cancelled Claim 17, re-written in independent form. Specifically, Claim 82 is directed to a powder batch of composite glass particles having a crystalline second phase dispersed throughout a glass phase. Such particles are not disclosed or suggested by Shorthouse. Claims 83-94 depend upon Claim 82 and include all of the limitations thereof. Therefore, it is respectfully submitted that Claims 82-94 are allowable over Shorthouse.

The Examiner has rejected Claims 1-5, 8, 9, 11, 13, 15, 17, 18, 21, 22, 24, 25 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,813,295 by Mason et al. Applicants respectfully traverse this rejection.

The Examiner states that Mason et al. disclose a dielectric material comprising lead barium borosilicate glass, wherein the preferred particle size of the glass is in the range of

0.5 to 1.0 microns. The glass comprises 37% SiO₂, 10% B₂O₃, 13% Al₂O₃, 15% PbO, 2% TiO₂ and 23% BaO. The dielectric material is subjected to firing at 800-1000°C. The Examiner concludes that all of the limitations of Claims 1-5, 8, 9, 11, 13, 15, 17, 18, 21, 22, 24, 25 and 27 are disclosed by Mason et al.

Claims 1-5, 8, 9, 11, 13, 15 and 17 have been cancelled. Claim 18 has been amended to incorporate the limitations of Claims 22 and 23 and Claims 19, 21 and 23 have been cancelled. Claims 24-27 depend upon Claim 18 and include all of the limitations thereof. In view of these amendments, removal of this rejection with respect to Claims 18 and 24-27 is requested.

New Claim 72 is former Claim 13 re-written in independent form and Claims 73-81 depend upon Claim 72.

In order to anticipate a claim, a reference must expressly or inherently describe each and every element as set forth in the claim. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. Independent Claim 72 includes the limitation that the glass particles are substantially spherical. Mason et al. does not disclose or suggest glass particles that are substantially spherical, nor does Mason et al. disclose *any* process for the fabrication of glass particles that would enable the fabrication of substantially spherical particles. Therefore, it is respectfully submitted that Claims 72-81 are allowable over Mason et al.

New Claim 82 is similar to cancelled Claim 17, re-written in independent form. Specifically, Claim 82 is directed to a powder batch of composite glass particles having a crystalline second phase dispersed throughout a glass phase. Such composite particles are not disclosed or suggested by Mason et al. Further, Mason et al. do not disclose or suggest substantially spherical glass particles, as is discussed above. Claims 83-94 depend upon Claim 82 and include all of the limitations thereof. Therefore, it is respectfully submitted that Claims 82-94 are allowable over Mason et al.

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

The fee for the extra claims is calculated below:

For	Claims Remaining After Amendment	Highest Number Previously Paid For		Extra Claims	Rate		Additional Fee
Total Claims	28	- 27	=	1	x \$18	=	\$18
Independent Claims	3	- 3	=	0	x \$86	=	\$0
Multiple Dep. Claim	0	0		\$280		=	0
Total Fee						=	\$18

A check for the extra claim fee accompanies this response.

Applicants hereby request a three-month extension of time under 37 CFR §1.136(a) extending the period for response to November 12, 2003. The appropriate fee accompanies this response along with a Request for Continued Examination. It is believed that no additional fees are owed, however any such additional fees can be charged to Deposit Account 50-1419.

Respectfully submitted,

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